

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHELSEA L. DAVIS

v.

MCKOOL SMITH P.C. ET AL

NO. _____

**CHELSEA DAVIS'S MOTION TO TRANSFER, CONSOLIDATE, SEVER, CHANGE
VENUE, REMOVE, REMAND AND/OR REOPEN CASE; AND FOR ANTI-SUIT
INJUNCTION TO STAY STATE COURT "PROCEEDINGS"**

Chelsea Davis moves this Court to direct the clerk to transfer, consolidate, sever, change venue, remove, remand and/or reopen this case in light of the opening of *Davis v. McKool Smith P.C., and Samuel F. Baxter*, Case No. 4:14-cv-754 (E.D. Tex.), and this Court's orders of transfer, consolidation, severance, change of venue, removal, remand and/or to reopen case.

It appears this case was not closed due to dismissal. Instead, it appears this case may not be filed until an anti-suit injunction is dissolved and stay is lifted. A case was stayed on the merits for all purposes by order signed on Nov. 6, 2013, except for the purpose of McKool Smith P.C. and Samuel F. Baxter's motion to seal (which is really a motion for anti-suit injunction and a gag order). Then, it appears there are orders transferring case and remanding case, causing an administrative closure. However, transfer and remand do not appear to have been properly completed. Again, on Nov. 17, 2014, there appears to be an order transferring case to the 160th Judicial District Court in Dallas County, Texas.

Chelsea Davis has diligently been trying to make her case against McKool Smith P.C. et

al, but the preliminary anti-suit injunction seems to be preventing her from doing so. So far, no case could have been litigated and no dismissals could have been entered in any case. While transfer and/or remand appear to have been ordered by the U.S. Dist. Court for the Northern District of Texas under *Chelsea Davis v. McKool Smith P.C. et al*, Case No. 3:13-cv-4926-N, such order could not have been final as to all cases because at least one case was an original proceeding in federal, not state, court. The clerk has failed to follow orders of transfer to complete the transfer. Remand also cannot be properly completed until the anti-suit injunction is dissolved which permits Chelsea Davis and the state court to make a case in a state court. In the meantime, this Court, as the transferor court, cannot sign orders of dismissal of a case yet to be made, stayed on the merits, and/or ordered for transfer more than thirty days prior to signing the order, based on an order signed by another transferor court signed more than thirty days after that case was yet to be made, stayed on the merits, and/or ordered for transfer, especially not while a case number is opened in this Court without a case for lack of subject matter jurisdiction or authority. And, another state court cannot dismiss a case yet to be made or remanded based on a post-plenary power transferor federal court order, especially one which is based on another post-plenary power transferor federal court order. Further, Chelsea Davis moves to vacate the void order that allegedly orders all magistrate judge findings accepted.

Chelsea Davis requests this Court to reopen or transfer this case back to this Court as a pendant matter or otherwise to clarify where this case is, to dissolve the anti-suit injunction, and to permit Chelsea Davis to proceed against Samuel F. Baxter and McKool Smith P.C. To the extent it would be in Chelsea Davis's financial interest to transfer, consolidate, sever, change venue, remove, remand and/or reopen this case to maximize the amount of money in a damages

award that Chelsea Davis will receive to benefit her financially in this and all pendant matters, Chelsea Davis moves for the appropriate relief. In support, Chelsea Davis cites the removal statutes, transfer rules, and jurisdiction and venue statutes and caselaw, including the jurisdiction recited in *United Mine Workers v. Gibbs*, 383 U.S. 715, 725 (1966).

McKool Smith P.C., Samuel Baxter, Leslie Ware and Harlan Crow have consented to transfer, consolidation, severance, change of venue, joinder, remand and removal.

In addition or in the alternative, Chelsea Davis moves for an injunction under the corollary to the prohibition of predecessor to 28 USCS § 2283 (i.e. the anti- anti-suit injunction rule allowing for anti-suit injunctions) to stay state court “proceedings,” which includes all steps taken or which may be taken in state court or by its officers from institution of suit to close of final process.

Respectfully,

/s/Chelsea L. Davis

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CERTIFICATE OF SERVICE

I electronically submitted the foregoing document using the electronic case filing system.

I hereby certify that I have served all counsel and/or pro se parties of record (or non-record) electronically by email or, as a pro-se party, on the date it is electronically docketed in the

court's CM/ECF system, as authorized by the Federal Rule of Civil Procedure 5(b)(2) and the Local Rules of this Court (in the Eastern District of Texas), or otherwise, to the extent possible.

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